

THE HON'BLE MR JUSTICE B.PRAKASH RAO

And

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT APPEAL NO.2006 of 1999

15th September 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 28.10.1999 in W.P.NO.22336 OF 1999 on the file of the High Court.)

Between:

The APSRTC, rep.by its Depot Manager, BHEL Depot, Hyderabad.

...APPELLANT/PETITIONER

AND

Ch.Veera Bhadra Rao, S/o.Satyanarayana, Conductor, E.58441,
C/o.S.A.K.Mynoddin, Advocate, TRT 123, Jawaharnagar, Hyderabad.

...RESPONDENT/RESPONDENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

And

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT APPEAL NO.2006 of 1999

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JUDGMENT: (Per the Hon'ble Mr Justice B.Prakash Rao)

Heard Sri V.T.M.Prasad, the learned Standing Counsel appearing for the appellant and Sri S.A.K.Mynuddin, the learned counsel appearing for the respondent.

The unsuccessful writ petitioner is the appellant/Corporation, which sought to assail the award dated 12.10.1998 in I.D.No.31 of 1997 on the file of the Labour Court-II, Hyderabad by way of a writ under Article 226 of the Constitution of India, where under on the reference at the instance of the respondent herein, the punishment of removal from service was set aside and the reinstatement with continuity of service, attendant benefits and 25% of back wages were ordered. Factually, on two charges in regard to the misconduct of the respondent in regard to certain amounts, proceedings have been initiated and the respondent was removed from service on 15.07.1994 and in later proceedings, the same was confirmed. However, on reference, the same was set aside with reinstatement and back wages. The said award was sought to be challenged *inter alia* on various grounds. After going into the facts and circumstances and in view of the findings of fact as arrived at by the Labour Court, we do not find it proper to interfere with the same. In fact it is to be noticed that the allegation in regard to the amounts not being collected by the respondent is due to the hike in fare, which according to the respondent was not

within his knowledge. This submission was accepted and ultimately he was found not guilty of any of the charges as alleged. Having regard to the finding of fact as arrived at, especially the refusal of this Court to exercise any discretion or interference with the exercise of the discretion by the Labour Court, we do not find any merits to interfere with the same.

The Writ Appeal is accordingly dismissed. No costs.

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(B.PRAKASH RAO, J)

(DR G.YETHIRAJULU, J)

15th September 2005

RRB

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